

Board of Mayor and Aldermen  
Regular Meeting, Nolensville Elementary School  
Thursday, December 1, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:04 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 48 citizens present.

Mayor Knapper led the prayer and pledge.

Mayor Knapper thanked the members of the audience that attended the tree lighting at the Library prior to attending this meeting.

Mayor Knapper then asked if there were any citizens that had comments.

Mr. Butch Clark, Mer Rouge Drive, reminded the board members that most of them ran on pro-standard lot size. He asked that they not "sell out".

Dr. James Clark, 921 Oldham Drive, read a letter of concerns to the board. He stated that option one was chosen at the Planning Commission in regards to the land design policy. He feels that this was a step backwards. He noted the current traffic problems within Nolensville. He asked the board why zoning changes were being considered and asked why Britain Downs was recently passed. He also noted the difficulty in blending commercial into residential.

Mr. Jerry Lawson, Rocky Fork Road, noted that the development, Silverstream, has destroyed the roads. He noted that the second week in October his farm provides free Hayrides. Due to the large equipment that was coming into the development they had to request that this cease for their annual event.

Ms. Lillian Marusa, 7149 Nolensville Road, noted she was not informed that her property was requested to be rezoned. She further noted that she sent a letter to the board to decline this request.

Ms. Evelyn Bennett, 7180 Nolensville Road, stated that she was here to give a testimonial in favor of Britain Downs. She stated that she has had the privilege to work with Mr. Yazdian, developer of Britain Downs, and he is a man of integrity and great character. She stated that this development is a plan that has been built in Belle Meade and she felt that this would only add positively to Nolensville.

Mr. Robert Jones, 9950 Maxwell Lane, stated that his comments were the same as Dr. Clarks. He stated that he was glad he did not have to make the decisions that this board is making and thinks they should step back and take more time in the process. Mr. Jones stated that he was told that a bridge may be built at Maupin Lane and that the City of Brentwood would be over seeing this project. He asked the board to please not over look Britain and Maxwell Lane so that it is overloaded. Mr. Jones additionally thanked the board for calling tonights event a Christmas Tree and not a Holiday Tree.

Mayor Knapper then noted that in regards to Mr. Lawson's comments, Williamson County has jurisdiction over Silverstream and that portion of Rocky Fork Road.

There was no further citizen input.

Alderman Dugger made a motion to approve the minutes from November 3, Alderman Felts seconded. The minutes were passed unanimously.

Recorder Lancaster noted that due to the conversion of the computer software the treasurers report was not submitted. This will be submitted next week to the board.

Mayor Knapper reported the following for the Planning Commission:

- Noted the written minutes were before the board and if they had any questions he would address.

Betty Friedlander submitted a written report for the Historic Commission:

- Due to Ms. Friedlander's absence a written report was submitted to the board.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- The fund drive mailers have been sent.
- Firefighters have been attending EMT School.

Rich Woodroof reported for the Codes Department.

- Noted he and Building Inspector Michael Blanks attended a conference.
- Henry Laird attended a Zoning Law seminar.
- Henry Laird has been working on the Land Use Plan.
- King Street is being reviewed for needed repairs.
- 252 inspections have been performed.

Chief Paul Rigsby reported for the Police Department.

- Noted that statistical data was submitted to the board.
- New officers will be sworn in at the January meeting.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted.

Mayor Knapper's report:

Mayor Knapper stated that traffic light studies have been performed for Clovercroft and Sunset Road, at the intersection of Nolensville Road. These studies indicated that the traffic does not meet the threshold to warrant a traffic light. Mayor Knapper noted that he would be meeting with TDOT officials to discuss this further.

Mayor Knapper also noted that he has spoken to Paul Lebovitz, a grant writer for Nolensville. The town must receive letters from various community leaders in support of the recently written ISTE grant.

Public hearing for ordinance #05-28, an ordinance to amend the zoning ordinance #04-09 to create a Commercial Regional (CR) zoning opened at 7:34. Counsel Notestine described the process that is taken to pass a town ordinance. Mr. Laird then briefly described the ordinance. There was no public comment. The public hearing closed at 7:36.

Public hearing for Ordinance #05-29, an ordinance to approve a concept plan for a planned unit development overlay known as Britain Downs opened at 7:37.

Mr. Butch Clark, Mer Rouge Drive, ask the board why the town was going with a PUD and not a standard subdivision?

Mr. Michael O'Cain, 1250 Countryside, stated he was against PUD's.

Dr. James Clark, Oldham Drive, stated that he wanted to remind the board that this passed through the Planning Commission by only a small margin.

Mr. Don Bill, 712 Stone Castle, stated that he moved to Nolensville from Antioch and "Pubs" were built and this brought the whole neighborhood down. He stated that he hoped the town stayed away from "Pubs".

Mr. J.R. Jones, Britain Lane, stated that he feels there are several things that are out of line with this development.

Ms. Cathy Carter, 3067 Ballenger Farms Drive, stated that Nolensville has something to offer that other communities do not. She is in agreement with keeping the small town feel. She noted that if PUD's are done correctly it would only be good for Nolensville. She further stated especially since there will be \$400,000 to \$700,000 homes built. Additionally, she stated that she had submitted a petition to the Mayor from Ballenger Farms residents.

Mr. Alfred Bennett, Nolensville Road, stated that he felt it was not as much a PUD issue as it is with wider streets and sidewalks, in addition to a sense of community.

Alderman Curtsinger stated that one point that needs to be addressed is that as development continues we need to get the developers to look at what they can do to benefit the town. In the county they have started a program to address this issue. He further noted that the size and height of the homes need to be considered. The fire department does not have equipment to reach the height of some of the homes to be constructed.

Ms. Paulette Biggers, stated that she is proud to say she is in favor of this development. She noted that this was her family's home and she was a life long resident of Nolensville. She further stated that a PUD allows the leaders to have more control versus a standard subdivision. She further noted it would be better to have a \$400,000 to \$700,000 home constructed on this site rather than a modular home. Currently with this zoning a modular home could be at this location.

Mr. Lonnie Wheeler, 7159 Nolensville Road, asked for clarification in regards to the large amount of water on this property. He stated that construction on this site may move the water and there is flooding along Nolensville Road. He noted there was a levee currently back there and asked how the water flow would be effected once building commences.

Jan Youssefi, 1041 Britain Lane, stated that she was in favor of this development. She has

seen the homes and they are absolutely beautiful.

Public hearing closed at 7:51.

Public hearing of Ordinance #05-30, an ordinance to amend the zoning map to rezone property currently Estate Residential (ER) to Commercial Services (CS) at 7149 Nolensville Road opened at 7:51. Counsel Notestine stated that Ms. Marusa is the property owner. Counsel additionally stated that he thinks there is a contract between the property owner and a potential buyer.

Alderman Curtsinger asked Counsel if a person who is not the property owner, may request to have a property rezoned? Counsel Notestine stated that in the State of Tennessee when a contract exists it is called "equitable" and if a contract exist this can be done.

Ms. Lillian Marusa, 7149 Nolensville Road, stated that the Taylor's do not have a right to change her property and she further noted that there is not a contact.

Micheal and Christy Taylor, stated that there is a contract between them and the Marusa's. He distributed this to the board. He stated that their concern is that they may lose their residence rights. He noted that this is to close on December 14 and if it appraises the property will be purchased by the Taylors. He further stated that if the purchase does not go through this can be ceased on December 15.

Counsel Notestine addressed the board noting that there will not be a vote taken on this tonight and it is merely a public hearing. He further noted that the town cannot get involved in a private contract.

Mr. Cort Bush, A& E Real Estate, stated that he was the broker for this property and there is a fully executed contact. He asked the board that if this closes as planned on December 14, can it move forward.

Ms. Lillian Marusa, stated that there is no extended contact and the contract ended on the 23<sup>rd</sup> of last month.

The public hearing closed at 7:59.

Second reading of Ordinance #05-24, an ordinance to amend the zoning ordinance #04-09, to revise site plan review requirements. Counsel Notestine briefly described this ordinance. Mr. Laird noted that a request for changes in use of property can be applied for and if meets criteria staff can issue a permit. He noted that this change makes the process quicker than previously. Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously.

Second reading of ordinance #05-26, an ordinance to amend the Nolensville Municipal Code in regards to roads. Alderman Curtsinger noted that this is an ordinance that addresses road widths. This was created due to safety issues. He noted that there has been a workshop and he is open to compromise. He further noted that there must be a guarantee for a safe traffic flow situation for emergency vehicles.

Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded.

Alderman Alexander spoke at length on the road widths. He stated that after discussions earlier he met with the Town Engineer, Town Planner and Traffic Engineer. Alderman Alexander stated that after their review he proposes that the following item number (14) be added to Section 15-604 to state the following:

(14) Parking shall be prohibited on one side of the public streets, with prohibited side being designated by the Mayor or his designee, for public streets with pavement widths 24' or less excluding the Nolensville standard local street with 24' of pavement and 30" curb and gutter.

Alderman Dugger stated that he felt the majority of the problem is in construction areas. He asked counsel for clarification on the town's jurisdiction in these areas. Counsel stated that once the plat is recorded and signed the town can enforce the signage.

Alderman Curtsinger asked if vehicles are parked at the curb would it harm the water flow? Engineer Woodroof stated that it could. Alderman Curtsinger stated that it may need to be reviewed in six months if this becomes an issue.

Alderman Felts stated that he was in favor of Alderman Alexander's amendment. Alderman Felts made a motion to amend this ordinance to add:

(14) Parking shall be prohibited on one side of the public streets, with prohibited side being designated by the Mayor or his designee, for public streets with pavement widths 24' or less excluding the Nolensville standard local street with 24' of pavement and 30" curb and gutter.

Alderman Dugger seconded the amendment. Alderman Alexander stated that he did not know if this will solve the problem entirely, although it can be revisited. He further noted that they were trying to reach a compromise and felt this was accomplishing that goal. The vote on the amendment was taken and passed unanimously.

The vote was then taken to pass as amended. This vote was approved unanimously.

Second reading on ordinance #05-27, an ordinance to make certain amendments to ordinance #04-02 requiring automatic fire sprinkler systems. Alderman Felts made a motion to approve this ordinance, Alderman Curtsinger seconded. Alderman Curtsinger stated that this ordinance eliminates an "opt-out" clause. Mayor Knapper read an email in regards to this ordinance. This email was from Mr. Corky Dementrius, with the Bennington development.

Engineer Woodroof stated that builders pulling permits after November 1, were verbally notified that they must sprinkle the homes being built.

Alderman Dugger stated that he felt the ordinance that is currently in place gives the people an option.

The vote was then taken with this ordinance passing with three votes for, Aldermen Alexander, Curtsinger and Felts, and two votes against, Alderman Dugger and Mayor Knapper.

First reading of ordinance #05-32, an ordinance to rezone property currently Suburban Residential (SR) to Commercial Regional (CR). Counsel Notestine briefly described this

ordinance. Alderman Dugger noted that a portion of the map is colored, although it is not described in the ordinance. It was noted that this parcel is 83.07. Alderman Dugger asked for clarification. Town Planner Laird noted that it should not be colored and that parcel should not be included. Alderman Curtsinger asked for clarification in regards to parcel 82. He asked how deep will this zoning go into this piece of property. Town Engineer Woodroof stated that the zoning would go to Burkett Place Development. Counsel Notestine stated that per this ordinance it would rezone the entire piece of property, not a portion. He further stated that if only a portion is rezoned the boundaries should be indicated within the ordinance.

Mayor Knapper made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

First reading of Ordinance #05-33, an ordinance to rezone property currently Suburban Residential (SR) to Commercial Services (CS). Counsel Notestine briefly described this ordinance. Town Engineer Woodroof noted that this property is adjacent to the Hayley Development. Alderman Alexander asked if this rezoning coincides with the Land Use Plan. Mr. Laird stated that it does. Mayor Knapper made a motion to approve this ordinance, Alderman Dugger seconded and this passed unanimously.

First reading of Ordinance #05-34, an ordinance to rezone property currently Estate Residential (ER) to Suburban Residential (SR). Town Engineer Woodroof illustrated the properties on the map before the audience. Mr. Laird noted that this is approximately 12 parcels. Alderman Dugger asked how this zoning relates to the Land Use Plan. Mr. Laird stated that it is compatible with the plan. Mr. Laird further stated that this request was a conventional subdivision and that is what the Land Use Plan indicates. Alderman Curtsinger asked about the road realignment. Town Engineer Woodroof stated that the Planning Commission is currently working to get the right of way. Alderman Curtsinger asked if it had been secured. Counsel Notestine stated that there has not been a right of way executed and it is still in the drafting stage. Mayor Knapper made a motion to approve this ordinance, Alderman Dugger seconded.

Mr. Moon addressed the board stating that he has signed a temporary right of way agreement. He noted that the engineering has been done for the road and a bridge engineer has been hired. He will then get with Mr. Woodroof and obtain the town's recommendations. Alderman Curtsinger asked how many homes would potentially be built in this development. Mr. Moon stated that between 120-150 homes on 170 acres. Mr. Moon further noted that he had been contacted by the Board of Education and the county may take 20 acres to build a school. He stated that there is a possibility that the Williamson County Parks and Recreation may obtain some acreage also.

Alderman Alexander stated that due to this additional information in regards to the school and park, should this board move forward in rezoning this property.

Counsel Notestine stated that this is first reading and he encouraged the board to consider the ordinance that was before them tonight.

Alderman Curtsinger stated that there are a couple of issues with the addition of these facilities and made a motion to table this tonight, Alderman Alexander seconded this motion. The vote was then taken to table with Aldermen Alexander and Curtsinger for, and Aldermen Dugger, Felts and Mayor Knapper against.

Alderman Dugger asked counsel if the board could divide the zoning. Counsel Notestine stated that the board could make an amendment. Alderman Dugger made a motion to remove everything north from the black line, Alderman Felts seconded. Alderman Curtsinger stated that he did not feel this should be split tonight. Alderman Dugger withdrew his motion, Alderman Felts withdrew his second.

Counsel Notestine again encouraged the board to vote on the ordinance that was before them.

The vote was then taken to pass ordinance #05-34 on first reading, Mayor Knapper, Aldermen Dugger and Felts for, Aldermen Alexander and Curtsinger against.

First reading of Ordinance #05-35, an ordinance to amend the zoning ordinance #04-09, to amend and add various definitions. Counsel Notestine briefly described this ordinance. Mr. Laird noted that several people were involved in these definitions to be applied to the zoning ordinance. Alderman Dugger inquired about the age of “60 years or older” in the “Attached Senior Housing” definition. Engineer Woodroof stated that it came from a zoning definition manual. Alderman Curtsinger asked if rental trucks and trailers were included with Automotive/Vehicular Sales and Service. Mr. Laird stated that motor vehicles could be added. Counsel Notestine stated that the intent is to keep the definitions broad.

Alderman Alexander made a motion to approve, Mayor Knapper seconded and this passed unanimously.

Other:

Alderman Dugger wished Mayor Knapper and Alderman Alexander a Happy Birthday.

Town Engineer Woodroof relayed to the board that the new road off of Clovercroft needs to be named. Additionally, he stated there has been discussion with the county and residents on Britain Lane in regards to the correct spelling. This will be brought back to the board at the next meeting.

Mayor Knapper addressed Mr. Moon stating that he hoped that some of the issues brought up this evening can be addressed by him.

Mayor Knapper adjourned the meeting at 9:08 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Charles F. Knapper  
Mayor